

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JORGE CASANOVA

Plaintiff

v.

CIV 08-0288 BB/CG

ROBERT ULIBARRI,

Defendant

—AND—

JORGE CASANOVA,

Plaintiff,

v.

CIV 09-1121 MCA/CG

CENTRAL NEW MEXICO CORRECTION
DEPARTMENT, et al.,

Defendants.

PROPOSED FINDINGS
AND
RECOMMENDED DISPOSITION

I am the referral Magistrate Judge in both of the above cases and am aware of the Tenth Circuit's opinion dated February 9, 2010, which reversed the dismissal of *Casanova v. Ullibarri*, CIV 08-288 BB/CG. The Tenth Circuit decision is to be published. See *Casanova v. Ullibarri*, ___ F.3d ___, 2010 WL 437335 (10th Cir. 2/9/10). In light of

that decision, I recommend that:

- (1) my pending proposed findings *Casanova v. Central New Mexico*, CIV 09-1121 MCA/CG be withdrawn;
- (2) both cases be held in abeyance pending the Tenth Circuit's mandate and,
- (3) after the appeal concludes, both cases be consolidated.

IT IS SO RECOMMENDED.

THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 14 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). **A party must file any objections with the Clerk of the District Court within the fourteen-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.**



UNITED STATES MAGISTRATE JUDGE